IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 24059 of 2005

Between:

Karupati Girijapati

..... PETITIONER

AND

The Superintendent of Police,

East Godavari District, Kakinada

And 11 others

.....**RESPONDENTS**

ORDER:

Seeking a Mandamus, declaring the action of the respondents 1 and 2 in failing to cause independent investigation to be conducted by other officers than 4th respondent in Crime No.72 of 2005 on the file of Uppalaguptam P.S, East Godavari District, consequently declare the action of the 4th respondent in filing routine charge sheet in Cr.No.72 of 2005, deleting the names of respondents
5 to 12, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and learned Government Pleader for Home.

It is stated that there are specific overt acts have been mentioned against the 5th respondent Saladi Satish and other respondents in the F.I.R submitted by the petitioner, but without making proper investigation, the 4th respondent deleted the names of respondents 5 to 12 in the F.I.R. and filed charge sheet against 10 persons only, and therefore, the petitioner seeks re-investigation in the said crime and also seeks direction to the 4th respondent to implicate respondents 5 to 12 as accused.

If the police personnel failed to investigate properly on the report filed by the petitioner, it is always left open for the petitioner to file a private complaint before the

concerned Magistrate under Section 200 Cr.p.c. against the respondents 5 to 12, who have not been implicated in the charge sheet. As an alternative remedy is provided to the petitioner under Section 200 Cr.p.c., the writ petition cannot be entertained and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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V.ESWARAIAH,J

Dated: 10.11.2005

Dsr